

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

APRIL GRIEGO,
Plaintiff,
vs.
CHAPS HOUSING ASSISTANT
PROGRAM, et al.,
Defendants.

Case No. 2:24-cv-00653-ART-NJK
ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION
AND ENTRY OF DEFAULT
(ECF Nos. 17, 18)

Plaintiff April Griego brought this action against Defendants Allysa Antos, Rececca Momodu, and the CHAPS Housing Assistant Program alleging race and disability discrimination. On February 18, 2025, the Court entered an order dismissing Plaintiff's second amended complaint without prejudice but without leave to amend because Plaintiff had failed to establish federal subject matter jurisdiction over her claims. (ECF No. 16.) Plaintiff subsequently filed a motion for reconsideration (ECF No. 17) and a motion for entry of Clerk's default (ECF No. 18) which the Court now considers. For the reasons discussed below, the Court denies both motions.

I. Motion for Reconsideration (ECF No. 17)

A district court may reconsider an interlocutory order for cause, so long as it retains jurisdiction. LR 59-1(a). Reconsideration may be appropriate if the district court "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d 950, 955 (9th Cir. 2013) (citing *School Dist. No. 1J v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993)); *see also* LR 59-1(a).

A district court may also reconsider an order after final judgment in a case under either Federal Rule of Civil Procedure 59(e) or 60(b). "A district court may

1 grant a Rule 59(e) motion if it 'is presented with newly discovered evidence,
2 committed clear error, or if there is an intervening change in the controlling law."
3 *Wood v. Ryan*, 759 F.3d 1117, 1121 (9th Cir. 2014) (quoting *McDowell v.*
4 *Calderon*, 197 F.3d 1253, 1255 (9th Cir. 1999) (en banc). Rule 60(b) permits
5 reconsideration upon "a showing of (1) mistake, surprise, or excusable neglect;
6 (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or
7 discharged judgment; or (6) 'extraordinary circumstances' which would justify
8 relief." *ACandS, Inc.*, 5 F.3d at 1263.

9 Plaintiff's motion for reconsideration does not meet any of the above
10 standards. Plaintiff's motion states that she has submitted evidence showing that
11 her rights were violated. However, her motion does not explain why
12 reconsideration is warranted under any of the above standards. Plaintiff's
13 complaint was dismissed because she failed to show that the Court had federal
14 subject matter jurisdiction, which remains true. The Court therefore denies
15 Plaintiff's motion for reconsideration.

16 **II. Motion for Entry of Clerk's Default (ECF No. 18)**

17 Pursuant to Federal Rule of Civil Procedure 55(a), "[w]hen a party against
18 whom a judgment for affirmative relief is sought has failed to plead or otherwise
19 defend . . . the clerk must enter the party's default."

20 Plaintiff's motion appears to request an entry of default based on the fact
21 that Defendants did not respond to Plaintiff's motion for reconsideration filed on
22 March 6, 2025. However, according to the docket, Defendants were never served
23 in this action. Thus, Defendants have not failed to plead or otherwise defend this
24 action, and the entry of Clerk's default is not warranted. The Court will therefore
25 deny Plaintiff's motion for entry of default.

26 **III. Conclusion**

27 It is therefore ordered that Plaintiff's motion for reconsideration (ECF No.
28 17) is DENIED.

1 It is further ordered that Plaintiff's motion for entry of Clerk's default (ECF
2 No. 18) is DENIED.

3 It is further ordered that the Clerk of the Court is ordered ENTER
4 JUDGMENT in this case dismissing Plaintiff's claims without prejudice (per ECF
5 No. 16).

6 Dated this 29th day of May 2025.

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10 ANNE R. TRAUM
11 UNITED STATES DISTRICT JUDGE
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